

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits – APAT – O.A. No.9960/02 filed by Sri K. Rajasekharam, NMR Work Inspector Grade-II - Conversion into Work Charged Establishment as Work Inspector Grade-II with effect from 01-04-1986 in terms of G.O.Ms.No.143, I&CAD Dept, dated 16-03-1984 and promotion as Asst Engineer on par with his juniors with all consequential benefits – Orders Issued.

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IRRIGATION AND COMMAND AREA DEVELOPMENT (SER.V.2) DEPARTMENT

G.O.Ms.No.217

Dated 16.07.2009  
Read the following:

- 1.Hon'ble APAT orders dated 02.05.2008 filed by Sri K. Rajasekharam, NMR Work Inspector Grade-II
- 2.From the Engineer-in-Chief (IW), I&CAD, Hyderabad Letter Rc.No.ENC/IW/P&M/EE.III/WI/2724/2008, dated 19.12.08
- 3.From the Engineer-in-Chief (IW), I&CAD, Hyderabad Letter Rc.No.ENC/IW/P&M/EE.III/WI/2724/2008, dated 28.03.09
- 4.Government Memo No.37094/Ser.V.2/08-1, dated 03.04.09 and 30.04.09
- 5.From the Engineer-in-Chief (IW), I&CAD, Hyderabad Letter Rc.No.ENC/IW/P&M/EE.III/WI/2724/2008, dated 08.05.09
- 6.From the Superintending Engineer (I/C), Construction Circle, Hanamkonda Lr.No.SE/CCH/ES/E3/921/2, dated 02.06.09, 24.06.09 and 29.06.09
- 7.From the Government Pleader for I&CAD, APAT Letter No.APAT/CA.66/09inOA.9960/02/MKR, dated 13.07.2009

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ORDER:

In the reference first read above, the Hon'ble APAT passed orders in O.A. No.9960/02 filed by Sri K. Rajasekharam, NMR Work Inspector Grade-II as follows:-

"The tribunal doth hereby adjudicate upon the OA, but, without costs to any of the parties thereto as under:

- I. Direct the concerned Respondents 1 to 3 as the case may be, to examine and consider the claims of the sole applicant, set forth in sub-para (a) of para 1, supra, in accordance with the relevant Rules, Regulations and G.O.s prevailing in respect thereof and later to pass appropriate written, reasoned (speaking) orders, in pursuance, thereof; and
- II. the directions covered by sub-para (1), supra, shall be complied with, without fail, as the case may be, by the concerned Respondents 1 to 3, at an early date, and, in any case, within a period of not later than 45 days, after receipt of a copy of the present orders, and, within 10 days, thereafter, the same shall be communicated to the sole applicant, in writing under his proper written acknowledgment, under his signature."

(Contd..2..)

2. In the references second to sixth read above, the Engineer-in-Chief (IW), I&CAD, Hyderabad / the Superintending Engineer, Construction Circle, Hanumakonda have reported that Sri K. Rajasekharam was engaged as NMR Work Inspector Grade.II on daily wages from 01.04.1981 and worked up to the date of his discharge i.e. 28-01-1986. Due to involvement in a criminal case and remanded into custody, he was discharged from NMR from 29-01-1986. Aggrieved to this, Sir K. Rajasekharam approached Industrial Tribunal-cum-Labour Court, Warangal and the Industrial Tribunal-cum-Labour Court in its award dated 08-10-1990 to reinstate the above NMR Work Inspector Gr.II with continuity service but without back wages. The Department contested against Award passed by the Hon'ble Labour Court, in the Hon'ble High Court vide W.P No.3281/1991. The Hon'ble High Court while dismissing the WP No.3281/91, confirmed the award of Industrial Tribunal-cum-Labour Court, Warangal. The WP No.1760/92 filed by Sri K. Rajasekharam for back wages, was also dismissed by the Hon'ble High Court. The Govt in G.O.Ms.No.149, I&CAD (PW.Estt.2) Dept, dated 18-10-2001, have issued orders for reinstatement of Sri K. Rajasekharam. The Govt in Memo No.21919/Estt.2/2001-4, dated 18-10-2001 has issued instructions for termination of NMR duly following ID Act after his reinstatement. The NMR reported to duty on 01-01-2002.

3. Further, the NMR approached the Hon'ble High Court vide CC No.215/2002 and Hon'ble APAT vide OA No.9960/2002 and obtained interim directions from APAT dated 31.10.02, 14.11.02, 17.12.02 and 31.01.03 for continuation as NMR until further orders, the department could not terminate the above NMR from service. The NMR not reported for duty again from 20-02-2005 to till date. The juniors to the applicants who have passed LCE were regularized as Work Inspector Grade.II in terms of G.O.Ms.No.143, dated 16-3-1984 and subsequently promoted as Assistant Engineers. Sri K. Rajashekaram is having LCE qualification at the time of his joining as NMR Work Inspector Grade.II. Had his services been converted into Work Charged Establishment as per G.O.Ms.No.143, dated 16.03.84, he would have been eligible for promotion as Asst. Engineer on par with his juniors. The criminal case in M.P. No.1227/93 in C.R. No.4/VC/WGL/88 filed by the Vigilance Cell of Civil Supplies Department, Warangal against him, for diversion of levy cement was dismissed by the Session Judge on 24.01.1995.

4. The Government Pleader, APAT, Hyderabad in his letter dated 03.07.2008 has expressed his opinion that "the department are at liberty to verify the case of the applicant and on such verification if he his not entitled the relief claimed as per rules issue speaking orders and communicate the same to the applicant and advised to keep in mind the letter dated 29.06.2000 issued by the Superintending Engineer while examining the case of the applicant."

5. The Engineer-in-Chief (IW), I&CAD, Hyderabad has therefore requested the Government to issue suitable orders as per APAT orders duly taking into account the opinion of G.P., APAT in regard to regularization of services of Sri K. Rajasekharam, NMR Work Inspector Gr.II and also promotion as Asst. Engineer on par with his juniors to avoid legal complications.

6. In the reference seventh read above, the Government Pleader for I&CAD, APAT has requested to implement the orders of APAT dated 02.05.2008 in OA No.9960/02 filed by Sri K. Rajasekharam, NMR Work Inspector Gr.II.

7. In the circumstances reported above and after careful examination of the matter, Government hereby direct the Engineer-in-Chief (IW), I&CAD, Hyderabad to convert the services of Sri K. Rajasekharan, NMR Work Inspector Grade-II into Work Charged Establishment as Work Inspector Grade-II with effect from 01.04.1986 in terms of G.O.Ms.No.143, I&CAD Dept, dated 16-03-1984 and to promote him as Asst Engineer on par with his juniors with all consequential benefits  
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as per rules in force. He is further directed to take action against the individual for his un-authorized absence from 20.02.2005 as per rules in vogue under intimation to Government.

8. The Engineer-in-Chief (IW), I&CAD, Hyderabad shall take necessary action accordingly and report compliance to Government with in (2) days.

9. This order issues with the concurrence of Finance (PC.III) Department vide U.O. No.14874-E/276/A1/PC.III/09, dated 06.06.09.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. TUCKER  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Engineer-in-Chief (IW), I&CAD, Hyderabad.  
Copy to the Superintending Engineer,  
Construction Circle, Hanumakonda.  
Sf/Sc.

//Forwarded By Order//

SECTION OFFICER

